

## Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 INRE-00 SS-15  
CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00 INR-07  
NSAE-00 FAA-00 L-03 IO-13 /061 W  
-----032159 091659Z /41

O R 091616Z SEP 77  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC IMMEDIATE 8133  
INFO AMEMBASSY PARIS  
AMEMBASSY OTTAWA  
AMCONSUL MONTREAL

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E.O. 11652: N/A  
TAGS: EAIR, UK  
SUBJECT: CIVAIR: BILATERAL CHARTER NEGOTIATIONS

REF: STATE 213477 (NOTAL)

1. RE DELIVERY OF US PAPERS ON CHARTER BILATERAL,  
SHOVELTON ILL AND INTENDS TO DEPART DIRECTLY FROM HIS  
HOME TO AIRPORT FOR FLIGHT TO MONTREAL. SUGGEST SET OF  
PAPERS BE DELIVERED TO SHOVELTON BY USDEL TO ICAO MEET-  
ING. PLEASE SEND LONDON A SET FOR IAN BROWN OF UK DEPT.  
OF TRADE WHO WILL DISTRIBUTE THEM WITHIN UK GOVERNMENT  
FOR COMMENTS.

2. SHOVELTON NOW DOES NOT EXPECT TO BE IN WASHINGTON  
FOR CHARTER TALKS UNTIL THURSDAY, OCTOBER 6. HE INTENDS  
TO STAY MONTREAL FOR CLOSING PLENARY SESSION OF ICAO  
OCTOBER 5, SINCE UK UNDERSTANDS MAJOR POLITICAL ISSUES  
MAY BE RAISED. HE INTENDS TO TAKE A DELTA FLIGHT FOR  
WASHINGTON LEAVING MONTREAL AT 5:30, OCTOBER 5.

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3. RE QUESTIONS PARA 4 REFTEL, EMBASSY HAS REFRAINED  
FROM PUTTING THEM DIRECTLY TO UK GOVERNMENT OFFICIALS  
BECAUSE OF REFTEL CAVEAT--WHEREVER ASKED, THE QUESTIONS  
WOULD GET BACK TO OFFICIALS CONCERNED WITH AVIATION IN  
DEPT. OF TRADE. WE HAVE MADE INDIRECT INQUIRIES WITH UK  
OFFICIALS AND WITH AIRLINES AND WILL CONTINUE DISCREETLY  
TO SEEK DEFINITIVE ANSWERS. WITH REGARD TO THE FIRST

QUESTION, EMBASSY TENTATIVELY BELIEVES THAT UK CAN LEGALLY LICENSE AIRLINES TO PERFORM AGREED CHARTER AIR SERVICES WITHOUT REQUIRING APPROVAL FOR INDIVIDUAL FLIGHTS OR SERIES OF FLIGHTS. WITH REGARD TO SECOND QUESTION, EMBASSY BELIEVES THAT UK CONSIDERS ITSELF TO HAVE A VERY HEAVY POLITICAL OBLIGATION, BUT NOT A LEGAL OR TREATY OBLIGATION, TO SEEK A NORTH AMERICAN-ECAC MULTILATERAL CHARTER AGREEMENT OR MULTILATERAL FRAMEWORK FOR BILATERAL CHARTER AGREEMENTS RATHER THAN TO AGREE TO A SIMPLE US-UK CHARTER UNDERSTANDING.

4. UK CIVIL AVIATION AUTHORITY (CAA) ISSUES LICENSES TO UK AIRLINES TO FLY SPECIFIC KINDS OF CHARTERS. LICENSES ARE USUALLY RENEWABLE ANNUALLY. FLIGHTS BY UK REGISTERED AIRCRAFT OF THE LICENSEE NEED ONLY BE NOTIFIED TO CAA. HOWEVER, IF A UK LICENSEE WISHED TO FLY A WET LEASED US REGISTERED AIRCRAFT ON ONE OF ITS CHARTERS, IT WOULD HAVE TO SEEK APPROVAL FROM THE DEPT. OF TRADE FOR THE FLIGHT IN A SIMILAR FASHION TO THE PROCEDURE WHICH A NON-UK AIRLINE WOULD HAVE TO FOLLOW. WORLD AIRLINES VP HUGHES UNDERSTANDS THAT UK DEPT. OF TRADE PROCEDURES REQUIRING APPROVAL OF EVERY CHARTER FLIGHT BY A NON-UK AIRLINE (EVEN IF USING A WET LEASED UK REGISTERED AIRCRAFT) ARE BASED ON ADMINISTRATIVE REGULATIONS RATHER THAN LEGAL REQUIREMENTS.

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5. EMBASSY'S VIEW OF UK SENSE OF OBLIGATION UNDER JUNE 1975 INTRA-ECAC MEMORANDUM OF UNDERSTANDING ON TRANS-ATLANTIC CHARTERS COMES PRINCIPALLY FROM DISCUSSION WITH IAN BROWN OF DEPT. OF TRADE (MEMO OF CONVERSATION BEING FORWARDED TO ADDRESSEES). EMBASSY HAS IMPRESSION THAT UK WILL TRY VERY HARD AND VISIBLY TO ACHIEVE A MULTILATERAL FRAMEWORK FOR TRANSATLANTIC BILATERAL CHARTER AGREEMENTS ACCEPTABLE TO THE OTHER MAJOR ECAC MEMBER STATES. HOWEVER, IF THE US APPEARS TO THE UK TO BE TAKING A REASONABLE POSITION, TAKING ACCOUNT OF OTHER ECAC MEMBERS INTERESTS, AND PROGRESS TOWARD AGREEMENT IS BEING HELD UP BY OTHER ECAC MEMBERS' FOOT DRAGGING, THE UK WILL SEEK TO NEGOTIATE A BILATERAL CHARTER AGREEMENT PRINCIPALLY DIRECTED AT COMPLEMENTING THE BERMUDA II AGREEMENT.

6. EMBASSY WILL CONTINUE TO SEEK DEFINITIVE ANSWERS, BUT PARTICULARLY ON THE ECAC QUESTION, A DEFINITIVE ANSWER WILL PROBABLY REQUIRE DISCUSSIONS WITH THE DEPT. OF TRADE AND THE FCO.

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## Message Attributes

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**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, NEGOTIATIONS, SUPPLEMENTAL AIRLINES, MEETING PROCEEDINGS  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 3  
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**TAGS:** EAIR, UK, US  
**To:** STATE  
**Type:** TE  
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